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SUBJECT: IMMUNITY FOR CHIRAC:TRIAL BALLOON OR OVER-ZEALOUS
INITIATIVE?

Classified By: POLITICAL MINISTER COUNSELOR JOSIAH ROSENBLATT FOR REASO

NS 1.4 B AND D

SUMMARY

1. (C) A coterie of Chirac supporters wasted no time last week in shooting down a proposal to accord former presidents senator-for-life status. The initiative was widely seen as an effort to protect Chirac from party funding charges once he leaves office by extending him the immunity from prosecution that would go with senator-for-life status. Noting the potential embarrassment in what looked like a blatant attempt to manipulate the system, Chirac loyalists disavowed the initiative, whose author, an obscure UMP Senator, claims it was all his own idea. Whatever the truth, the proposal -- which would have required a Constitutional amendment -- is going nowhere. Bernard Accoyer, President of the UMP group in the National Assembly, told us on January 19, that Chirac was "too defiant" to be attracted by such a possibility. END SUMMARY.

CHIRAC SPOKESPERSONS REJECT PROPOSAL

2. (SBU) When Patrice Gelard, UMP Senator from the Department of Seine-Maritime, proposed last week to amend the French Constitution to afford former French presidents senator-for-life status, Chirac loyalists wasted no time publicly distancing the Elysee from the initiative. The parliamentary immunity from prosecution that would come with Senate membership would afford some protection from prosecution to President Chirac once his presidential immunity ends. Chirac is implicated in a number of investigations by magistrates into corruption related to party financing while Chirac was mayor of Paris. A number of legislative leaders, known as strong supporters of the president and understood to be carrying his message, quickly poured cold water on Gelard's proposal. For example, Josselin de Rohan, President of the UMP group in the Senate, pointed out in a statement to the press that in 1886 France abolished Senators for life and that it would be a mistake to consider reviving the status. He also added that the proposal would not generate the support required even to approach successful passage of a constitutional amendment.

CHIRAC TOO "DEFIANT" TO LIKE PROPOSAL

3. (C) In a meeting with PolOff on January 19, Bernard Accoyer, President of the UMP group in the National Assembly, remarked that Chirac "was a fighter," and that "it would not be like him" to warm to such a tailor-made immunity deal. According to Accoyer, Chirac is too "defiant" to be attracted to such a "pathetic" immunity status.

GELARD'S CLAIMS

4. (SBU) According to Gelard, his proposal had nothing to do with Chirac, but rather, was aimed at ending the practice of making past presidents members of the Constitutional Council, an office Gelard claims former president Valery Giscard d'Estaing is abusing. Gelard, Vice Chairman of the French Senate's Law Committee and a professor of Constitutional law, claims that Giscard's partisan lobbying for the proposed EU Constitution and against Turkey's accession to the EU, are not consistent with the impartiality required of members of the Constitutional council. Hence -- according to Gelard -- his efforts "to resolve once and for all the status of former presidents" by amending the Constitution to provide Senator for life status for them.

COMMENT

5. (C) Accoyer's assessment that Chirac rather resents such an immunity deal tracks with Chirac's own defiant, public defense of the integrity of Alain Juppe. After Juppe's conviction on corruption charges in January 2004 Chirac, with uncharacteristic emotion, publicly defended Juppe, calling him a true statesman and implied that he felt Juppe had been wrongly dishonored by the conviction. Finding a way to

protect Chirac from judicial investigation, possibly leading to charges, should he leave office remains a problem Chirac, his advisors, and his allies in the Parliament will continue to grapple with. Gelard's short-lived proposal seems to have been largely Gelard's own idea, though Chirac's supporters were clearly carefully watching legislative and public reaction to it. Chirac and his allies clearly preferred to avoid the long road to Constitutional amendment on an issue that would be such a lightening rod for controversy. END COMMENT.

Leach